

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

2012 MAY -2 PM 4:19

DEPUTY CLERK.

STEPHEN C. WALKER, PRO SE,
also known as
STEPHEN CLAYTON WALKER,
TDCJ-CID No. 1417300,

Plaintiff,

V.

2:11-CV-0094

MICHAEL D. SAVERS,
JIMMY CORLEY,
GRANDVILLE SANDERS,
BRAD LIVINGSTON,
SHAWN WATSON,
RUSSELL BOCKMON, and
OTHER UNKNOWN OFFICERS,

Defendants.

**ORDER GRANTING DEFENDANTS’
MOTION TO DISMISS UNDER RULE 12 AND ORDER OF PARTIAL DISMISSAL**

Plaintiff STEPHEN C. WALKER, acting pro se and while a prisoner confined in the Texas Department of Criminal Justices, Correctional Institutions Division, has filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-referenced defendants and has been granted permission to proceed in forma pauperis.

On April 16, 2012, a Report and Recommendation was issued by the United States Magistrate Judge recommending defendants' February 15, 2012 motion to dismiss under Rule 12 be granted; that any claims asserted under the Texas Tort Claims Act be DISMISSED WITH PREJUDICE; that all claims for relief except those for future injunctive relief, which are asserted against defendant LIVINGSTON be DISMISSED WITH PREJUDICE; and that plaintiff's claims for

monetary relief against defendant SAVERS in his official capacity be DISMISSED WITH PREJUDICE.

The period for response has expired, and no objections have been filed by plaintiff.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

IT IS HEREBY ORDERED that the defendants' February 15, 2012 motion to dismiss under Rule 12 is GRANTED; any claims asserted under the Texas Tort Claims Act are DISMISSED WITH PREJUDICE; all claims for relief except those for future injunctive relief, which are asserted against defendant LIVINGSTON are DISMISSED WITH PREJUDICE; and plaintiff's claims for monetary relief against defendant SAVERS in his official capacity are DISMISSED WITH PREJUDICE.

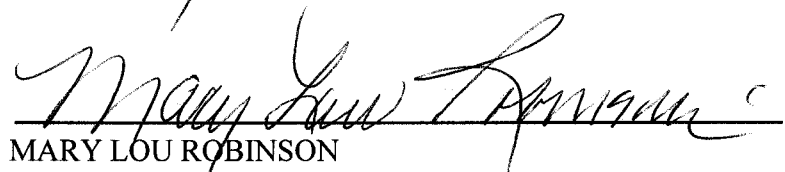
LET JUDGMENT BE ENTERED ACCORDINGLY.

The Clerk shall send a copy of this Order to the Pro Se Clerk at the U.S. District Court for the Eastern District of Texas, Tyler Division.

The Clerk shall also send a copy of this Order to plaintiff and to any attorney of record.

It is SO ORDERED.

Signed this the 2nd day of May, 2012.


MARY LOU ROBINSON
United States District Judge